

I. REMARKS

The undersigned would like to thank Examiner Luong for his assistance with this case. On July 6, 2007, the undersigned had a telephone conference with Examiner Luong. An agreement was reached. Again, the undersigned thanks Examiner Luong for discussing this case such that it could proceed to allowance.

A. Claim Rejections Under 35 U.S.C. § 112

Claim 15 was rejected under 35 U.S.C. § 112, second paragraph, because the examiner was unclear whether the terms “a plurality of weights” and “a first and a second weight” referred to the same or different things. Claim 15 has been canceled. As such, Applicant respectfully contends that the rejection under 35 U.S.C. § 112 should be withdrawn.

B. Claim Rejections Under 35 U.S.C. § 102(b)

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,449,332 to Hervig. Applicant states that in order for a rejection under 35 U.S.C. § 102(b) to be proper, all claim limitations must be taught by a single reference. Independent claim 1 has been amended to overcome this rejection. The amendment to be discussed herein has support in the subject specification on page 8, line 3 through page 8, line 12. See also Figures 7-9, especially Figure 9.

Claim 1 has been amended to recite, “securing means operatively connected to said pedal body said securing means adapted to limit movement of an associated foot relative to said pedal body, wherein said securing means is adapted to rotate about said pedal body such that an operator can position an associated foot on either said first surface or said second surface to utilize said securing means without removing said securing means from said pedal body” and to further recite “said pedal body further comprising a third weight and a fourth weight operatively connected to said pedal body, said first weight and said second weight being oppositely disposed and substantially equidistant from said transverse axis.” Hervig teaches neither a securing means nor an adaptation whereby the strap can be rotated around the pedal. Hervig also does not teach the third and fourth weights. Further, this amendment to claim 1 effects claims 2-5, making them patentably distinct from Hervig’332 in view of Mitsuo (JP-1-115793).

Applicant respectfully contends that these amendments are patentably distinct and are not taught or suggested by the cited references. As such, Applicant respectfully contends that the amended independent claims and related dependent claims are now in condition for allowance.

C. Claim Rejections Under 35 U.S.C. § 103(a)

Claims 2-5, 8, 12, 13, 15, and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hervig'332 in view of Mitsuo (JP-1-115793). Claims 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hervig'332 in view of Lopnow (U.S. Patent No. 4,809,563). Further, claim 16 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hervig'332 in view of Mitsuo as applied to claim 12 and further in view of Lopnow (U.S. Patent No. 4,809,563).

Claims 1 and 12 have been amended to recite, "a securing means operatively connected to said pedal body said securing means adapted to limit movement of an associated foot relative to said pedal body, wherein said securing means is adapted to rotate about said pedal body such that an operator can position an associated foot on either said first surface or said second surface to utilize said securing means without removing said securing means from said pedal body" and to further recite "said pedal body further comprising a third weight and a fourth weight operatively connected to said pedal body, said first weight and said second weight being oppositely disposed and substantially equidistant from said transverse axis." The amendment adds the securing means which rotates and can be used on either side of the surface plus the third and fourth weights. Neither Hervig nor Mitsuo (JP-1-115793) teaches the securing means, the adaptation whereby the strap can be rotated around the pedal, or a third and a fourth weight. Thus, independent claim 12 and dependent claims 12, 13, 15, 16 and 17 are distinct from Hervig'332 and Mitsuo (JP-1-115793).

Applicant respectfully contends that these amendments are patentably distinct and are not taught or suggested by the cited references. Because these elements were present in claim 18, which were searched and deemed allowable, Applicant respectfully contends that the amended independent claims and related dependent claims are now in condition for allowance.

Claims 2-10 are dependent directly or indirectly from claim 1, which Applicant contends in condition for allowance. As such, claims 2-10 are also in condition for allowance.

Claims 13, 16, and 17 depend directly or indirectly from claim 12, which Applicant proffers is in condition for allowance. As such, claims 13, 16, and 17 are also in condition for allowance.

D. Allowable Subject Matter

The Examiner indicated that claims 18, 20 and 23-25 were allowable.

II. CONCLUSION

In response to the Office Action dated May 9, 2007, claims 1 and 12 have been amended pursuant to 37 C.F.R. 1.121. It is believed these amendments have placed the amended claims in conformance with the requirements of the Office Action. At this point, Applicant believes that the claims remaining in the case distinguish over the art cited and comply with the requirements of 35 U.S.C. §102, §103, and §112. As such, allowance of the claims is respectfully requested.

Respectfully submitted,

BROUSE MCDOWELL

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Date

/s/ Heather M. Barnes

Heather M. Barnes, Esq.
Reg. No. 44,022

Telephone No.: (330) 535-5711
Fax No.: (330) 253-8601

Customer #26781